

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MATTHEW J. PODUSKA

Appeal No. 2006-2783
Application No. 09/682,323

ON BRIEF



Before HAIRSTON, MACDONALD, and HOMERE, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 11.

The disclosed invention relates to a computer system and method in which a plurality of circuit cards in computer slots are configured so that they are free from any direct communication connection via a bus.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A computer system comprising:

a chassis, having a plurality of slots thereon each configured for receiving one of a

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plurality of planar shaped circuit cards therein;

a shroud coupled to said chassis to form an enclosure about said plurality of planar shaped circuit cards;

said plurality of planar shaped circuit cards each configured for providing an independent dedicated server function; and,

each of said plurality of planar shaped circuit cards being configured so as to be free from any direct communication connection with any inter-card bus inside said enclosure.

The reference relied on by the examiner is:

Asano et al. (Asano) 6,611,870 Aug. 26, 2003
(filed Aug. 19, 1998)

Claims 1, 3, 4, 6, 7 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Asano.

Claims 2, 5 and 8 through 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Asano.

Reference is made to the brief and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the anticipation rejection of claims 1, 3, 4, 6, 7 and 11, and reverse the obviousness rejection of claims 2, 5 and 8 through 10.

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Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys. Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Appellant argues (brief, page 5) that “[s]ince the network cards 7a and 7b of Asano are coupled through the PCI bus, the Examiner errs when saying Asano is FREE FROM any direction [sic, direct] connection with an inter-card bus.”

We agree with the appellant’s argument. As clearly seen in Asano (Figure 1; column 4, lines 35 through 44), the network cards 7a and 7b are in direct communication connection via the PCI bus 1b. Thus, the anticipation rejection of claims 1, 3, 4, 6 and 7 is reversed because Asano is incapable of being configured so that each circuit card is “free from any direct communication connection with any inter-card bus,” and the anticipation rejection of claim 11 is reversed because Asano is incapable of “prohibiting direct communication” from the cards “to a bus extending between said plurality of industry standard expansion slots.”

For all of the reasons expressed supra, the obviousness rejection of claims 2, 5 and 8 through 10 is reversed.

DECISION

The decision of the examiner rejecting claims 1, 3, 4, 6, 7 and 11 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 2, 5 and 8 through 10 under 35 U.S.C. § 103(a) is reversed.

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REVERSED


KENNETH W. HAIRSTON
Administrative Patent Judge

~~KENNETH W. HAIRSTON~~
Administrative Patent Judge

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ALLEN R. MACDONALD
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